

Town of Amherst
Zoning Board of Appeals - Special Permit
DECISION

Applicant and Owner: Howard Ewert, 284 North Pleasant Street, Amherst, MA 01002

Date Application filed with the Town Clerk: June 2, 2006

Nature of request: Petitioner seeks a Special Permit to amend ZBA FY97-0018, Condition #3, to approve a new parking plan and to install an exterior door into the furnace room at house #63, to separate the furnace and to recognize the living space in the basement as a bedroom.

Location of property: 63-65 North Prospect Street
Map 11C, Parcel 218, R-G Zoning District

Legal notice: Published in the Daily Hampshire Gazette on July 4 and July 11, 2006, and sent to abutters on June 30, 2006.

Board members: Tom Simpson, Russell Frank and Jane Ashby

Submissions: The applicant submitted the following documents:

- A plan, untitled, revised May 29, 2006, prepared by Kraus-Fitch Architects, Inc., showing photographs of the exterior of house #63 along with proposed floor plans of the basement and main level;
- A plan entitled "Proposed Site Improvements" dated May 30, 2006, prepared by Hatch Mott Macdonald, showing the proposed parking and landscaping plan;
- A memorandum, dated May 30, 2006, from Howard and Barbara Ewert, summarizing the goals of the application for Special Permit;
- A Management Plan dated June 1, 2006;
- A sample Lease Agreement;
- A memorandum from Howard Ewert dated July 15, 2006, written in response to the Planning Department memorandum dated July 14, 2006.

Town staff submitted the following documents:

- A Memorandum from the Planning Department, dated July 14, 2006, commenting on the application;
- A memorandum from the Fire Department, Assistant Fire Chief Michael Zlogar, dated July 11, 2006, commenting on the application;
- An Email from Michael Zlogar, dated July 17, 2006, commenting on the width of the driveway and correcting a comment made in the memorandum dated July 11, 2006;
- Copies of previous decisions on Special Permit applications as follows: ZBA FY97-0018, with accompanying elevations and site plan, ZBA FY2000-00044 and ZBA FY2005-00032;
- A list of all permits – building, ZBA, plumbing – that had been issued for the property from, April, 1996 to May, 2005, prepared by the Building Commissioner;
- A copy of the application for a building permit and accompanying maps of the proposed addition for four new bedrooms to the #65 house, dated 4/15/96 and 4/23/96;

- At the request of the ZBA, copies of police reports from 2002 to June, 2006 for both houses on the property, 63 & 65 North Prospect Street.

Joyce Conlon, 52 North Prospect Street, submitted a letter dated 8/8/06 expressing her concern about the density and noise issues in the neighborhood, as well as the proposed expansion of parking and bedrooms at the Ewert property.

Site Visit: July 18, 2006

At the site visit the Board was met by Howard and Barbara Ewert. The Board observed the following:

- The location of the lot on a tree-lined side street near the center of town, surrounded by older multi-family and single-family homes and institutional buildings;
- The two existing wood-framed houses on the property;
- The gravel parking lot and large maple tree on the south side of the house;
- The approximate location of the property line on the south side of the property which intersects the existing maple tree about 1/3 into the tree trunk;
- The location of the barn associated with the adjacent property to the south;
- The approximate location of the rear property line, marked by the tall trees at the northeast corner of the lot;
- The location of the proposed exterior door at #63;
- The interior of the first floor and basement;
- The location of the furnace and proposed interior wall;
- The exterior of the north side of the house at #65.

Public Hearing: July 18, 2006.

At the public hearing, Howard Ewert presented the petition. He made the following statements with respect to the site plan:

- Hatch Mott MacDonald surveyed the property and evaluated the deeds; they also prepared a plan showing existing and proposed conditions;
- The applicant met with the Fire Department, the Building Commissioner and Planning staff;
- The proposed parking area will be paved within the boundaries of the Ewerts' property;
- The fire lanes will be demarcated in accordance with the Fire Department's requests;
- The applicant will fix the problems that the neighbors have expressed with respect to the site plan and parking;
- There will be a 5 inch concrete or bituminous concrete curb around the parking lot;
- There will be 8 parking spaces, 2 more than the minimum required and 1 more than was shown on the plan approved previously;
- The proposed lot coverage will be less than the existing lot coverage;
- There will be a landscaped separation between the 2 rear parking spaces and the others;
- There will also be a landscaped area around the large maple tree;
- Some of the parking spaces will be labeled "compact" in accordance with the Zoning Bylaw;
- Surface water will be collected in a catch basin to be located at the back of the driveway. This catch basin will be connected to one in the street. This plan for storm water management has been approved by the DPW and Jason Skeels, Town Engineer;
- There will be a trench dug to connect the new catch basin with the one in the street;
- The entire sidewalk in front of the property will be rebuilt in order to repair the area where the trench will be dug.

- In terms of landscape screening, the applicant will do whatever is necessary to satisfy the Board; the plan includes some screening.

Mr. Ewert made the following statements with respect to the interior of the building at #63:

- He is proposing to install a fire-separation wall in the basement of #63;
- The wall will be built around the furnace to separate it from the living space in the basement;
- An exterior door will be required to provide access to the furnace for repair and maintenance;
- The exterior door will serve the furnace room only;
- The addition of the fire-separation wall would allow the applicant to use the basement living space as a bedroom.

Mr. Simpson asked how wide the parking area will be from curb to curb, if approved. Mr. Ewert stated that the parking area will be 34 feet wide adjacent to the house at #65. The driveway will be 16 feet wide and the parking spaces will be 18 feet long.

Mr. Simpson asked if the parking lot is designed so that cars can back out of the parking spaces. Mr. Ewert explained that he and a member of the Planning Department staff had done turning-radius studies and the design is adequate for cars entering and exiting the parking spaces. Cars will not need to back out onto North Prospect Street.

Mr. Frank asked if the only access to the furnace would be from the outside. The applicant agreed that this would be true. He stated further that the house was connected to the gas line in the street.

Mr. Frank asked if there would be an overhang for the rear exterior door. The applicant stated that there was no need for an overhang in his opinion.

Mr. Frank asked about access to the rear door in winter and whether the applicant planned to keep the access pathway shoveled for access by repair and maintenance service people. The applicant stated that there would be steps in place to provide access to the back door and that he would shovel the back area if the need arose.

Ms. Ashby inquired about the location of the garage that was torn down and the location of the addition to the house at #65. The applicant stated that the garage was attached to the easternmost section of the house and that the addition was constructed in place of the demolished garage. He also stated that the steps were changed on the south side of the house.

Ms. Ashby inquired about the proposed basement bedroom at #63. She noted that in 2005 an application had been filed to add a door in order to add a bedroom in the basement but that the application had been withdrawn. However, she further noted that the memo from the applicant dated May 30, 2006 referred to the basement space stating that it had historically been used as a bedroom, and yet now the applicant was requesting permission to add a bedroom.

Mr. Ewert responded that the basement space used to be a bedroom but that he had been told to stop using it as a bedroom, although he had no written record of being asked to stop using the space as a bedroom.

Bonnie Weeks, Building Commissioner, stated that the records in Inspection Services show that the basement had been used as a recreation room, a laundry room and a bathroom. She based her statements on Building Permit #97-477. There had been no permit since then to convert the basement to a bedroom. The building permit had been issued to the former owner, Cordova, the applicant's daughter.

Mr. Ewert stated that he had bought the property (#63 & #65) in December of 1997.

Mr. Frank asked how many bedrooms there had been on the property at the time that Special Permit FY97-0018 was issued. The decision of that special permit stated that there would be no increase in the number of bedrooms (2) at #63. Mr. Ewert did not answer directly, but stated that now there are two units in the front building (#65), each with 4 bedrooms. The addition of two bedrooms to each apartment had been permitted under Building Permit #97-483, not any Special Permit.

Mr. Frank asked if the only additional bedroom being requested was the one in #63. He also asked how many bedrooms there were at the time that the original parking plan was submitted and approved. Mr. Ewert stated that at the time the parking plan was approved on October 3, 1996 (FY97-0018 Special Permit), there were 4 bedrooms in #65 and 2 bedrooms in #63. Mr. Ewert repeated that currently there are 8 bedrooms in #65 and 2 bedrooms plus the basement space in #63.

Ms. Ashby asked if the addition built on the front house had replaced the garage. Mr. Ewert stated that the addition had replaced the garage.

Ms. Ashby asked when the Building Permit was issued for demolition of the garage. Building Commissioner Weeks stated that the permit for demolition of the garage was issued on April 23, 1996. Ms. Ashby noted that, at the time the Zoning Board approved the FY97 parking plan on October 3, 1996, the owner had an approval for demolition of the garage and had the intention to demolish the garage and add the four bedrooms.

Attorney Michael Pill stated that he had represented Darin and Raul Cordova, Mr. Ewert's daughter and son-in-law, when they bought the house at #63. Mr. Ewert took over the property from his daughter and her husband at a later date.

Mr. Frank noted that at the time that ZBA Special Permit FY97 was approved with parking, there were just six (6) bedrooms on the property.

Mr. Ewert reiterated that there are currently 8 bedrooms in the front house (#65) and 2 bedrooms in the back house (#63) for a total of 10 bedrooms. One bedroom is being requested so there is a possibility for 11 bedrooms on the property if the basement bedroom is approved.

Board Chair Mr. Simpson opened the hearing up to comments from the public.

Ann Sterling Bush, 57 North Prospect Street, an abutter to the south, showed an aerial photograph of the site. The Board studied the aerial photograph and asked the Board staff to provide a copy for each member of the panel.

Mr. Simpson asked if the applicant had based calculations for lot coverage on the aerial photograph.

Robert Bush, 57 North Prospect Street, asked questions about snow storage, excavation, whether there would be permanently-installed wheelstops and whether there were town requirements about construction around the maple tree. Michael Pill stated that there are no town requirements having to do with construction around the maple tree.

Mr. Ewert stated that snow will be plowed to the east end of the parking lot and pushed off the pavement at the end of the lot, not onto the neighbors' property. He also stated that excavation will be done as part of the construction of the new driveway.

He further stated that there will be no grade changes as a result of construction. The new grades will be essentially the same as the existing grades. Wheelstops will be installed with 5/8" rebar anchors. There will be a bituminous curb delineating a landscaped area around the maple tree. Porous fill will be placed near the tree to cover the exposed roots.

Daniel Oroafor, 58 North Prospect Street, asked when a permit would be issued to increase the number of tenants from 6 to 8. Mr. Simpson responded that the total number of tenants had not been discussed yet.

Ann Sterling Bush stated that the existing parking lot is non-conforming since the lot exceeds the allowed lot coverage of 40%.

Bob Abramms, 62 North Prospect Street, spoke in opposition to the application. He made comments regarding the existing density of the neighborhood and the problems that the density causes for the residents. He also commented on the probable negative effect on the neighborhood of the applicant's proposals to add a bedroom and to add a parking space. He urged the Board to deny the application to add to the number of bedrooms and the number of parking spaces.

Tom Simpson MOVED to continue the evidentiary portion of the public hearing to Monday, August 21, 2006, at 7:30 p.m. Russ Frank SECONDED the motion. The Board VOTED unanimously to continue the evidentiary portion of the public hearing.

Continued Public Hearing – August 21, 2006

Mr. Ewert and his attorney Mr. Pill both spoke to the application at the hearing. The applicant began by saying that he is requesting four things – 1) an improved parking plan & screening; 2) for #63, a safety wall in the basement; 3) an exterior door; and 4) to recognize the basement living space as a bedroom.

Mr. Ewert then made the following remarks about the noise complaints on the police reports:

- This is the fourth meeting he's had with the ZBA about the same issues (two from last year, two this year) and he wants to move forward on his requests. He feels as if the issues keep going round and round without resolution.
- He does not see the increased noise or density that the neighbors have complained about in the hearings as related to his requests.
- The submitted Police Reports look bad at first glance, but if arranged according to time, it is less bad. That is, those police calls prior to the fall of last year (2005) were not related to the density on his property or about noise. There were perhaps 2 or 3 legitimate complaints, he said. (For the record, there were 10 complaints between 2002 and spring of 2005, 1 of which was a noise complaint. The majority were classified as "suspicious activity".)

- Beginning in 2005, there were many police complaints. (Eleven complaints are listed, all but one were noise complaints or fights)
- He had horrible tenants last fall, who were the source of the noise complaints. He made every effort to stop the parties and noise, and finally called the students' parents in October, and had no more complaints until this past spring.
- The neighbors all have said that he is a good landlord.
- He wants the neighborhood to be quiet too, just as the neighbors do.
- Why are the neighbors' concerns about noise/density and complaints mainly about this property? Noise may occur on the street or on other properties that are attributed to his property.
- Mr. Abrams has a new floor with a new bedroom plus three new parking places, yet this is not singled out as excessive. The ABC (A Better Chance) House has added to their house too.

Ms. Ashby stated that she found the noise complaints on the police reports to be excessive.

Ms. Ashby asked for a review of the number of bedrooms that have added to the property since the FY97-00018 Special Permit. Mr. Ewert answered that they have increased from 6 to 10 bedrooms.

Mr. Frank added that the petitioner is now asking for 11 bedrooms on the property, and that the previously approved parking plan was related to 6 bedrooms.

Mr. Ewert replied that there was no discussion of the number of bedrooms for the two previous Special Permits (FY97-00018 and FY2000-00044). However, it should be noted for the record that the decisions for both Special Permits contained references to the number of bedrooms on the property – 6 bedrooms in FY97 and 10 in FY2000. The FY97 decision stated that there would be no increase in the number of bedrooms (2) for #63.

Mr. Pill stated that the request for a safety wall does not make the basement space into a bedroom. The request for the fire wall should not be lumped with the bedroom request. Mr. Ewert has been asking for this wall since 2002, he said.

Mr. Frank noted that currently the gas furnace is in the living space, and the two-hour separation wall would separate the furnace from the living space.

Building Commissioner Bonnie Weeks stated that a Special Permit is not needed for the wall. If the room is not used as a bedroom, the wall may not be needed. The Special Permit is required for the outside door and an additional bedroom. The basement can now be accessed by interior cellar stairs as well as exterior stairs.

Members of the public spoke to the application. Bob Bush, 57 North Prospect Street, said that he doesn't care about an extra interior wall, and that the extra bedroom is not a big deal to him. But parking is a concern – 8 spaces is too many. The submitted photos show that there are always more than 8 cars on the property, which he wants to end. He wants better landscaping on the property as well.

Ann Stirling Bush, 57 North Prospect Street, said that she initiated the Building Commissioner's Cease and Desist order on the property because the previously approved parking plan was not being

followed. There have been 14 cars on the property, parked everywhere, on the sidewalk, on the lawn, etc. The October, 1996 approved parking plan had 3 spaces parallel along the driveway, 2 by the tree, 1 by the back house, and 1 in the garage attached to the front house. The proposed plan shows improvements, but with the large number of unrelated tenants, there are too many cars. The control for having cars on the property is non-existent. The tenants or their guests even park on top of the 4-by-4s that delineate the parking spaces.

Ms. Stirling-Bush stated that she is concerned about snow removal, especially with the 4 x 4 beams.

She also said that noise on the property is a real problem. She used to call Mr. Ewert personally and he did try to deal with it. Mr. Ewert was accused of being a stalker due to his efforts, but he could not control his tenants. The neighbors and Mr. Ewert even met with the Police Chief to try to get relief. Ms. Stirling-Bush said that there is something wrong if the neighbors have to go to such lengths.

She said that adding more rooms will add more people with boyfriends/girlfriends who will stay over and add to the noise/parking problems.

Ms. Stirling-Bush said that there is an apartment building down the street and there is no noise. Also, Cowles has a 6-8 bedroom building just a few doors away and there are no complaints with that property either. The neighborhood needs peace and quiet, she said.

Bob Abramms, 62 North Prospect Street, said that he lives across the street from Ewert's property. He said that he agrees with Mr. Ewert's analysis of the police report. Before 2005, there were not many police complaints. The problems for him and for those who live in his house are the short intervals of screaming and excessive noise, particularly after the bars close, which wakes his entire household. He found this no longer acceptable and decided that he needed to monitor it more. So he started to call the police at times.

In terms of his 3 new parking places mentioned by Mr. Ewert earlier, Mr. Abramms said that he has a legal two-family dwelling and only 15% total lot coverage. The ages of the occupants are all over 50, not the late-night types.

Mr. Abramms said that Mr. Ewert is a good landlord, he does everything right, but still there is excessive noise. Also, he's noticed that on properties down the street with back buildings, there is often more noise in the back than from the front buildings. Mr. Abramms said that he wishes to keep an open mind. Mr. Ewert has improved the property, but the proposed density fits the pattern of higher noise with higher density.

Mr. Abramms stated that he does not want more parking or more bedrooms on Ewert's property. He wants to protect the neighborhood.

Ms. Ashby made a motion to close the evidentiary part of the hearing. Mr. Frank seconded the motion and the vote was unanimous.

Public Meeting – Discussion

Mr. Simpson began the deliberative part of the hearing by stating the following:

- He likes the change in the driveway and parking, but that 8 spaces is 2 too many. The lot coverage is too much, and two fewer spaces would make the property less non-conforming

as to coverage. Removing two parking places will improve the snow removal issue, since the snow can be pushed off the parking area to the east more easily.

- Ten bedrooms on the lot already are plenty, and there should be no new bedroom.
- As for the exterior door, he could go either way. But if there will not be an additional bedroom, the door is moot.

Mr. Frank said that if the Board agrees to the exterior door, then it must have clearance in the winter. Access is difficult.

Ms. Ashby stated that it is not a good idea to have another door to the basement or a safety wall. This will block easy access to the furnace area. Mr. Frank stated that he agrees – there should be no door added to the basement.

Ms. Ashby stated that she agrees with Mr. Simpson concerning eliminating two parking places, namely the two angled places in the back of the lot.

The Chair gave permission to Mr. Ewert and his lawyer to participate in the discussion, and Mr. Ewert asked why those particular parking places would be eliminated. Mr. Simpson responded that what little yard there is on the property is affected by those two spaces. Those spaces also interfere with snow removal for the driveway.

In response to screening concerns, Mr. Ewert said that no screening in the front of the property is planned because of safety concerns (neighbors and tenants fear folks may lurk in bushes along the sidewalk.) In terms of lot coverage, removing the garage 10 years ago already reduced lot coverage and there were 7 parking spaces then.

Mr. Simpson responded that the Board wishes to reduce coverage overall, the property is very non-conforming in terms of coverage, that coverage on the lot was increased with the additions to both houses, and that no precedent is set from earlier ZBA decision.

Mr. Pill stated that the Board, if reducing the number of parking spaces, may be taking away what had already been approved in FY97-00018.

Mr. Frank noted that the FY97 plan doesn't agree with what exists at present. The proposed plan with 6 spaces is an improvement over existing conditions.

In terms of screening, Mr. Simpson noted that the Zoning Bylaw (Section 7.112) requires that parking areas of 5 or more spaces shall have at least a 3-foot screening barrier. Neighbors should not be impacted by headlights of cars pulling into the property or leaving.

Mr. Frank asked about screening in the front of the property. The Board noted that there are existing bushes in front of the house that are shown on the submitted site plan.

Mr. Pill stated the applicant wished to withdraw the current application.

Mr. Simpson asked the Board for a motion to approve the withdrawal of the application. No motion to approve the withdrawal of the application was made by any member of the Board.

Mr. Simpson then made a motion to deny Mr. Pill's request to withdraw the application. Mr. Frank

seconded the motion, and the vote was unanimous to deny the request to withdraw the application.

Ms. Ashby asked if findings were needed for a denial. She stated that by Mr. Ewert's own admission, the previous parking plans do not reflect the actual conditions of today, which is a clear finding if needed.

Mr. Frank said that in terms of screening, there should be screening on the south side of the property from the first parking place to the back of the property, and that there should be evergreens in the front of the property.

Mr. Pill said that if the Board approves the amendment proposed by Mr. Simpson, the applicant may accept it or not, but that the underlying permit (FY97) should not be modified. The applicant can file the permit given, can appeal it, or can let it set without filing it with the registry. If the permit is not filed, then the old Special Permit would remain in effect.

Mr. Simpson made a motion to APPROVE the site plan as submitted, except:

1. The two angled parking places in the back of the lot shall be removed;
2. The third bedroom at #63 shall not be added;
3. The exterior door to the basement shall not be allowed
4. There shall be solid screening (fence, or fence plus shrubs) at least three feet high along the south side of the property beginning with the first parking place;
5. There shall be evergreen screening along the west side of the property.

Mr. Frank seconded the motion, and the VOTE to approve the site plan, with 5 exceptions, was UNANIMOUS.

Ms. Ashby moved to close the deliberative part of the hearing. Mr. Frank seconded the motion, and the vote was unanimous.

Public Meeting – Findings:

The Board finds that Section 9.22 of the Zoning Bylaw, the section under which the applicant based his Special Permit request, would not be met with the addition of an extra bedroom and extra parking on the property. That is, the additional parking and the extra bedroom has the potential of adding more people, noise, cars, etc to an already overcrowded site, which would be substantially more detrimental to the neighborhood.

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 – The proposal for six parking places only is suitably located, since there are other multiple unit dwellings in the neighborhood, but none on such a small lot with such extensive coverage. Allowing additional parking than that required for three dwelling units (6) and allowing an eleventh bedroom on the property would not be suitable, since an additional bedroom would encourage more than four unrelated persons in the one dwelling unit and would promote uncontrollable noise and parking.

10.382– The applicant's original proposal of an extra bedroom and extra parking would constitute a nuisance due to noise, lights or visually offensive parking if allowed. Given the density of rooms on the property, controlling the noise and misbehavior is critical; one of the important ways is limiting the number of cars and people on the property on a regular basis. To date there is lengthy police record for excessive noise and misbehavior. Adding still more density could easily add to that record. The Board rejected the extra bedroom and limited the amount of parking on site in order to

help guarantee that no more than four (4) unrelated individuals would live in each dwelling unit.

10.383 & 10.387 – The Board's decision to limit the parking will not be an inconvenience or hazard to abutters, vehicles or pedestrians because visibility will improve along North Prospect Street with fewer cars, and cars not parking on the sidewalk. With 6 spaces only, parking will be safer within the site and cars will be able to turn around and exit forward onto the street.

10.384, 10.385 & 10.393 - Adequate and appropriate facilities can exist with the Board's conditions, but not with the applicant's proposal. Existing landscaping will be reorganized and augmented in the front of the house. Screening along the southern border will better protect the neighbor to the south as well.

10.386 – The proposal as modified by the Board is in conformance with parking regulations – six (6) parking spaces will be available on site, two for each unit, and a turnaround area will be provided.

10.389 – The proposal provides adequate methods of disposal, since the house is connected to Town water/sewer, and the approved Management Plan satisfactorily covers the recycling/refuse disposal used by the household.

10.391 & 10.395 – The proposal as modified by the Board does not create disharmony with the terrain since there will be fewer cars on the property and more open space. The beautiful old tree that straddles the property line with the southern neighbors will be better protected as well.

10.398 – The proposal as modified by the Board is in harmony with the general purpose and intent of the Bylaw because it helps to lessen the negative health, safety, convenience and general welfare of the tenants and surrounding neighborhood.

Public Meeting – Decision:

Mr. Simpson made a motion to APPROVE the application, with the modification that parking is limited to six (6) cars on the site, there would be no extra bedroom, and there would be no exterior door added to the basement of #63, and with other conditions. Mr. Frank SECONDED the motion. .

For all the reasons stated above the Board VOTED unanimously to approve the application as modified above, with conditions.

THOMAS SIMPSON

RUSSELL FRANK

JANE ASHBY

FILED THIS _____ day of _____, 2006 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2006.

NOTICE OF DECISION mailed this _____ day of _____, 2006
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2006,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, under Section 9.22 of the Zoning Bylaw, to modify Condition #3 of Special Permit ZBA FY97-018 for a new parking plan, on the premises at 63-65 North Prospect Street (Map 11C, Parcel 218, R-G Zoning District) as applied for by Howard Ewert, with the modifications as described below in the following conditions:

1. The parking and screening shall be built according to the site plan submitted by the applicant, minus the two angled parking places in the back of the lot, as approved by the Board on August 21, 2006 at a public meeting.
2. The bedroom proposed for the basement of house #63 shall not be allowed.
3. There shall be no exterior door into the furnace area at house #63.
4. There shall be solid screening (a fence, or a fence and shrubbery) at least three feet high along the southern border of the property, beginning at the first parking place on the westerly side (front) of the property.
5. Evergreens and additional shrubbery for screening in front of house #65 on the westerly side of the property shall be planted and maintained.

THOMAS SIMPSON
Chair, Amherst Zoning Board of Appeals

DATE